

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LAMAR R. HARVEY,

Plaintiff,

-against-

FREDERRICK RHOADES; DR. LINDSAY
JORDAN; DR. GRIER; MATTHEW
SHATZELL, OMH,

Defendants.

24-CV-7921 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who is detained at Mid-Hudson Forensic Psychiatric Hospital, brings this action *pro se*. The complaint does not state whether Plaintiff is detained at Mid-Hudson as a result of pending criminal charges. By order dated October 24, 2024, the Court directed Plaintiff, if he is detained pursuant to pending criminal charges, to submit a completed prisoner authorization or pay the \$405.00 in fees required to file a civil action in this court within 30 days. (ECF 5.) The Court stated that if Plaintiff is not facing pending criminal charges, he must indicate this in a response to the Court. That order specified that failure to comply would result in dismissal of the complaint. On December 2, 2024, the Court received from Plaintiff two letters in which he asks for a “temporary stay” and a “leave” of this action. (ECF 6, 7.) Plaintiff has not filed a prisoner authorization or paid the fees, and he has not stated that he is not detained pursuant to pending criminal charges.

The Court therefore dismisses the complaint without prejudice to refile this action at a later time. *See* 28 U.S.C. §§ 1914, 1915. Plaintiff’s request for a stay is denied as moot.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf.*

Coppedge v. United States, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Court directs the Clerk of Court to enter judgment in this case.

SO ORDERED.

Dated: January 13, 2025
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge